

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID J. CATANZARO,

Plaintiff,

VS.

WALMART STORES, INC.,

WALMART.COM,

ALIEXPRESS,

MICHAELS STORES, INC.,

MSPCI,

WEGMANS FOOD MARKETS, INC.,

AMAZON.COM, INC.,

DIAMOND VISION INC.,

CURRENT MEDIA GROUP INC.,

USIMPRINTS,

STAPLES PROMOTIONAL PRODUCTS,

RAKUTEN AMERICAS,

PRICE US WHOLESALE,

BONANZA.COM, INC.,

WHOLESALE IN MOTION GROUP, INC.,

ANYPROMO INC.,

DHGATE;

and DOES 1 THROUGH 50

Defendants.

Case No. 3:22-cv-1768

Judge Joseph F Saporito

Chief MJ Daryl F. Bloom

JURY TRIAL DEMANDED.

**FILED
SCRANTON**

DEC 19 2024

PER DJ
DEPUTY CLERK

PLAINTIFF'S MOTION FOR THE ENTRY OF DEFAULT JUDGMENT

Plaintiff, David J. Catanzaro, Pro Se, pursuant to Federal Rule of Civil Procedure 55, respectfully moves this Court for entry of default judgment against Defendants ALIEXPRESS/ALIBABA GROUP; DHGATE; USIMPRINTS; ANYPROMO INC.;

PRICE US WHOLESALE; and WHOLESALE IN MOTION GROUP INC. Plaintiff avers the following in support of his Motion:

A. STANDARD TO REVIEW THE PLEADINGS OF PRO SE LITIGANTS

1. That the Plaintiff is a pro se litigant and has not engaged an attorney for further proceedings in this case. Thus, as far as the pleading standard of Pro Se litigants is concerned, a Pro Se litigant is always entitled to a less stringent view by the Honorable Superior Courts. Pro Se litigants are not supposed to be jurists; hence their pleadings are entitled to a kind and lenient standard of review by the courts. This is held time and again in the judgments of the apex courts, some of which are quoted as under:

“Plaintiff is pursuing his claim pro se. As such, his pleadings are held to a less stringent standard than those of an attorney. *See Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir.1998).”

“The Supreme Court has instructed federal courts to liberally construe the ‘in artful pleading’ of pro se litigants. *Eldridge v. Block*, 832 F.2d 1132,1137 (9th Cir. 1987).”

A pro se pleading is held to a less stringent standard than more formal pleadings drafted by lawyers. *Estelle v. Gamble*, 429 U.S. 97, 106, 97 S. Ct. 285, 50 L. Ed. 2d 251 (1976)”.

2. Therefore, in light of the above-mentioned judgments, the Plaintiff as a Pro Se litigant, is entitled to a lenient review of his pleadings and seeks the kind favor of this honorable court.

PLAINTIFF'S ARGUMENTS TO SEEK DEFAULT JUDGMENT.

Rule 55. Default; Default Judgment

(a) Entering a Default. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

3. As shown by the proofs of service along with other details and by affidavit within plaintiffs filing (**Doc. 83**) titled: REQUEST FOR DEFAULT FOR DEFENDANTS ALIEXPRESS; DHGATE; USIMPRINTS; ANYPROMO INC.; PRICE US WHOLESALE and WHOLESALE IN MOTON GROUP, INC. The above-named Defendants were properly served pursuant to the Federal Rules of Civil Procedure and Plaintiff first filed a REQUEST FOR DEFAULT with the clerk to satisfy Rule 55(a). The Defendants were served with the Summons and Complaint pursuant to Federal Rule of Civil Procedure 4. Proofs of service were filed with this Court, evidencing that each Defendant was served yet failed to file an Answer or otherwise defend within the prescribed time frame by law.

Rule 55. Default; Default Judgment

(b) Entering a Default Judgment.

(1) *By the Clerk.* If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff's request, with an affidavit showing

the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.

(2) *By the Court.* In all other cases, the party must apply to the court for a default judgment. A default judgment may be entered against a minor or incompetent person only if represented by a general guardian, conservator, or other like fiduciary who has appeared. If the party against whom a default judgment is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 7 days before the hearing. The court may conduct hearings or make referrals—preserving any federal statutory right to a jury trial—when, to enter or effectuate judgment, it needs to:

- (A) conduct an accounting;
- (B) determine the amount of damages;
- (C) establish the truth of any allegation by evidence; or
- (D) investigate any other matter.

4. Following Defendants' failure to respond, an Entry of Default was requested and has been entered by the Court Clerk as per Federal Rule of Civil Procedure 55(a), **(Doc. 85)**.

5. Accordingly, the Plaintiff respectfully requests that this Honorable Court grant a default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2). This Court is invited to review the history and timeline of this litigation in order to assess the damages appropriately and make a preliminary determination regarding the costs and damages as articulated by the Plaintiff in his complaint. The Plaintiff is entitled to a default judgment as the Defendants have failed to appear, respond, or defend

themselves in this action, and the claim involves a sum that can be definitively calculated.

6. That the plaintiff is ready to provide any further assistance to this honorable court to determine his remedies.

7. That the plaintiff has incurred a lot of expenses to pursue his legal rights and he was always before this honorable court to assist but the conduct and manner of the defendants has disregarded him. Therefore, Plaintiff requests for the entry of a Summary judgment or a Default judgment against the defendants.

SUBMISSION AND PRAYERS:

Therefore, in light of the above mentioned facts and circumstances, it is submitted before this honorable court to:

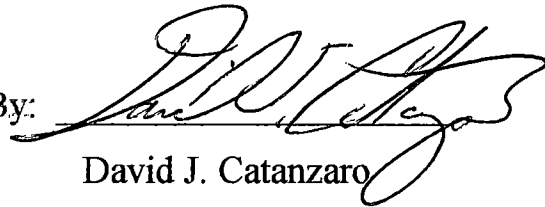
- i. Please enter a judgment of default of the defendants (ALIEXPRESS/ALIBABA GROUP; DHGATE; USIMPRINTS; ANYPROMO INC.; PRICE US WHOLESALE and WHOLESALE IN MOTON GROUP INC.) as they never bothered to honor the orders/process of this honorable court.
- ii. Please enter a Summary judgment against defendants (ALIEXPRESS/ALIBABA GROUP; DHGATE; USIMPRINTS; ANYPROMO INC.; PRICE US WHOLESALE and WHOLESALE IN MOTON GROUP INC.) as they never bothered to honor the orders of this honorable court and the plaintiff has been entitled to this relief.
- iii. Please pass a Default judgment in the favor of the plaintiff while accepting all of his prayers/submissions in the Third Amended Complaint.

- iv. Please grant the plaintiff punitive damages amounting to \$1 Million dollars.
- v. Please grant the plaintiff with such amount of consecutive damages and costs to amicably compensate him against the wrongful acts of the defendants.
- vi. Please grant the plaintiff with legal costs and fees amounting to \$20,000.
- vii. Please grant any other relief which this honorable court deems appropriate.

Dated: December 19, 2024.

Respectfully submitted,

By:



David J. Catanzaro

Plaintiff *Pro Se*

286 Upper Powderly Street

Carbondale, PA 18407

Phone: (570) 936-9262

E-mail: davidjosephus@aol.com

CERTIFICATE OF SERVICE

I, **DAVID J. CATANZARO**, hereby certify that on this 19th day of December, 2024, a true and correct copy of the foregoing was filed with the Clerk through the Court electronically. Notice of this filing will be sent to all parties disclosed herein by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Additionally, a copy of this filing was served on the following defendants via US Mail.

ALIEXPRESS / ALIBABA GROUP

525 Almanor Ave., Suite 400
Sunnyvale, CA 94085

USIMPRINTS

200 E Main St Suite 200-17
Franklin, TN 37064

PRICE US WHOLESALE

2240 East 17th Street
Brooklyn, NY 11229

WHOLESALE IN MOTON GROUP INC.

2240 East 17th St.
Brooklyn, NY 11229

ANYPROMO INC.

1511 East Holt Boulevard

Ontario, CA 91761

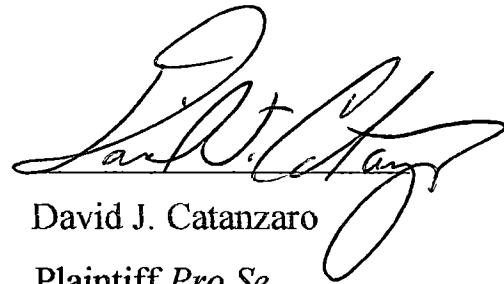
DHGATE

381 Brea Canyon Road

Walnut, CA 91789

Non Responsive Defendants

Dated: December 19, 2024

A handwritten signature in black ink, appearing to read "David J. Catanzaro", written over a horizontal line.

David J. Catanzaro

Plaintiff *Pro Se*

286 Upper Powderly Street

Carbondale, PA 18407

Phone: (570) 936-9262

E-mail: davidjosephus@aol.com